

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**In Re:
THE VAUGHAN COMPANY, REALTORS
Debtor(s).**

JUDITH A. WAGNER,

Plaintiff,

Master Case No. 12-cv-0817 WJ/SMV

v.

(USDC Case No. 12-cv-0188 WJ/SMV)

**JULES APPELMAN, as personal representative
of the estate of Shirley Herndon,**

Defendant.

ORDER GRANTING UNOPPOSED MOTION TO SUBSTITUTE DEFENDANT

THIS MATTER is before the Court on Plaintiff Wagner's Unopposed Motion for Substitution of Defendant [Doc. 93 in No. 12-cv-0817 WJ/SMV] ("Motion"), filed October 25, 2012. On October 18, 2012, counsel for Defendant Herndon filed a Suggestion of Death [Doc. 91 in No. 12-cv-0817 WJ/SMV], noting Defendant Herndon's death. Plaintiff's Motion seeks to substitute "Jules Appelman as Personal Representative of the estate of Shirley Herndon" for Defendant Shirley Herndon pursuant to Fed. R. Civ. P. 25(a)(1). Plaintiff also requests that all future filings in the immediate case (No. 12-cv-0188 WJ/SMV) bear a caption reflecting this change. The Court, being advised that the Motion is unopposed, and being otherwise fully advised in the premises, FINDS that the Motion is well-taken and should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff Wagner's Unopposed Motion for Substitution of Defendant [Doc. 93] is hereby **GRANTED**.

Pursuant to Fed. R. Civ. P. 25(a)(1), Shirley Herndon is hereby **SUBSTITUTED** with Jules Appelman as Personal Representative of the estate of Shirley Herndon.

IT IS FURTHER ORDERED that the caption is **AMENDED** to reflect the following change: “Jules Appelman, as personal representative of the estate of Shirley Herndon” shall replace “Shirley Herndon” as Defendant in Case No. 12-cv-0188 WJ/SMV. All future filings in this case must conform to the substitution.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge